

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ANTHONY TRUESDALE

Plaintiff,

-v.-

**Civil Action No.
9:02-cv-135 (GLS/GHL)**

**D. LUTHER, Correctional Officer, J.
MCNAMARA, Correctional Sargent,
W. CONNOLLY, Deputy Superintendent
of Security, N. BEZIO, Correctional Captain,
R.J. MURPHY, Deputy Superintendent of
Disciplinary Programs**

Defendants.

APPEARANCES:

**ANTHONY TRUESDALE
Plaintiff Pro Se
95-A-2274
Wende Correctional Facility
3622 Wende Rd.
Alden, NY 14004**

**ELIOT SPITZER, ESQ.
NEW YORK STATE ATTORNEY GENERAL
The Capitol
Albany, NY 12224**

**Jeffrey P. Mans, Esq.
Assistant Attorney General**

**GARY L. SHARPE,
U.S. DISTRICT JUDGE**

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge George H. Lowe duly filed April 28, 2005. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is hereby

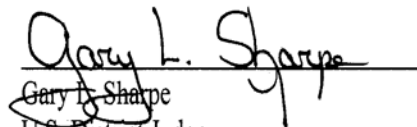
ORDERED, that the Report-Recommendation of Magistrate Judge George H. Lowe filed April 28, 2005 is **ACCEPTED** in its entirety for the reasons stated therein, and it is further

ORDERED, that the defendants' motion for summary judgment (Docket No. 33) is **GRANTED** in its entirety, and the plaintiff's complaint is **DISMISSED**, and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of Defendants and close this case.

IT IS SO ORDERED

Dated: May 20, 2005
Albany, New York


Gary L. Sharpe
U.S. District Judge